

| [NODIS Library](#) | [Procurement, Small Business and Industrial Relations\(5000s\)](#) | [Search](#) |



# NASA Procedural Requirements

**COMPLIANCE IS MANDATORY**

**NPR 5200.1D**

Effective Date: June 23,  
1997

Expiration Date: July 08,  
2012

[Printable Format \(PDF\)](#)

Request Notification of Change (NASA Only)

**Subject: Industrial Labor Relations Manual (Revalidated May 31, 2007 with admin. changes)**

**Responsible Office: Logistics Management Division**

| [TOC](#) | [Preface](#) | [ChangeHistory](#) | [Chapter1](#) | [Chapter2](#) | [Chapter3](#) | [Chapter4](#) | [Chapter5](#) |  
[Chapter6](#) | [Chapter7](#) | [AppendixA](#) | [AppendixB](#) | [AppendixC](#) | [AppendixD](#) | [ALL](#) |

## Chapter 4: Reserve Gate Procedure

### 4.1. General

4.1.1. These guidelines establish general procedures concerning entrance and exit gate(s) for use by striking and/or neutral NASA contractor personnel, their suppliers, and civil service personnel on NASA controlled property.

4.1.2. The "reserve gate" procedure, when used at a NASA Center, is intended to provide the striking union and the contractor with similar conditions as if the dispute were taking place at the employer's premises outside of the NASA Center. This is to be accomplished by directing all of the struck employer's representatives, employees, and suppliers through special designated entrances/exits, the reserve gate(s). Moreover, by providing a special gate(s) for the struck contractor and the suppliers, neutral contractors can conduct business operations without interference, thereby minimizing the impact upon neutral contractors.

4.1.3. Subcontractors are not required to use the reserve gate(s) unless they are performing struck work. In these unusual situations before such subcontracting arrangements take place, they must be reviewed by NASA Center management and the Director, Contractor Industrial Relations Office, at Headquarters.

### 4.2. Establishing and Enforcing the Use of Reserve Gates

When a union threatens or actually begins picketing at a NASA location, the Contractor Labor Relations Officer (or designee), through the NASA Center management, shall do the following:

4.2.1 Designate a gate(s) in coordination with the Center Security Office for use by the struck contractor's employees, suppliers, and subcontractor employees, if applicable (see paragraph 4.1.3.), taking into consideration the following:

- A gate which will cause the least inconvenience to the largest number of people who will be working during the strike.
- Whether civil service employees and neutral contractors' employees should be restricted from using the designated gate.

4.2.2 Notify in writing (usually by FAX), the local union and the contractor of the designated gate in accordance with sample letters set forth in Appendix B (send copy of union FAX/letter to the company and copy of company FAX/letter to the union). Seek the union's cooperation to confine the pickets to the established reserve gate area. Consult with the Agency Contractor Industrial Relations Office when or if appropriate before direct contact is made with the union.

4.2.3 Request in writing that the neutral contractors and all other employers at the NASA Center do the following:

- Notify their employees of the location of the reserve gate(s) for the striking employees .
- Provide appropriate instructions to all of their employees for entering and leaving the premises during the term of the strike.

4.2.4 Recall from all of the struck contractors and subcontractors, if applicable (see paragraph 4.1.3.), their regular identification passes and car stickers and reissue special identification badges or decals, which will be honored only at the designated reserve gate.

4.2.5 Post large signs at all entrances and exits in accordance with procedures set forth in subparagraph 4.2.6.

4.2.6. Post notices for the reserve gate procedure.

4.2.6.1. Notices (signs) must provide clear and concise directions as to proper use of entrances and exits by all persons entering or leaving the NASA Center. They should be printed in bold letters so as to be easily read from moving vehicles. The signs must meet the minimum legal standards in order to obtain prompt enforcement of the "reserve gate" procedure. Notices must clearly state that the struck contractor, the employees, and suppliers will be confined to the use of a reserve gate for access and exit from the NASA Center and will not be permitted use of the neutral gates.

4.2.6.2. Although employees of other contractors (not involved in the labor dispute) and Government employees may legally use the reserve gate, generally the NLRB prefers that the "reserve gate" be set aside for exclusive use by the struck employer and suppliers. Therefore, exclusive "reserve gate" procedures should be provided at the NASA Center where the regional office of the NLRB has expressed this preference. At other NASA Centers in which the NLRB has not expressed a preference for an exclusive "reserve gate," if desired, such gate may also be used by employees of contractors not involved in the labor dispute. The Agency Contractor Industrial Relations Office will assist each NASA Center in determining the preference of the regional office of the NLRB on this matter.

4.2.6.3. Sample formats of legally sufficient neutral and reserve gate notices are listed in Appendix B.

### **4.3. Procedures for Initiating Legal Action Through the National Labor Relations Board**

#### **4.3.1. General**

4.3.1.1. The use of legal action in any labor dispute shall be avoided until all other remedial procedures have been exhausted. However, in the event that the union does not agree to the "reserve gate" procedure and continues to picket the "neutral gates," legal action may be instituted under the National Labor Relations Act in accordance with subparagraph 2.

4.3.1.2. Normally, one or more of the contractors being adversely affected are expected to initiate appropriate legal action by filing a charge with the regional office of the NLRB to obtain an injunction against the picketing of neutral gates by the union.

4.3.1.3. In the absence of either a contractor's willingness to file a charge or ability to establish evidence of irreparable damage, the NASA Center Contractor Labor Relations Officer (or Contractor Labor Relations Advisor) will, in coordination with the Office of General Counsel, NASA Center management, and the Contractor Industrial Relations Office, determine whether the impact of picketing neutral gates is sufficient to recommend legal action by NASA.

#### **4.3.2. Procedures for Filing Charges with the NLRB**

4.3.2.1 If it is determined that NASA will take legal action in a labor dispute, the NASA Center Director, or designee, with the concurrence of the Contractor Industrial Relations Officer, and the Office of General Counsel, may authorize the filing of a charge.

4.3.2.2 The Center Contractor Labor Relations Officer and the NASA Center Legal Office in coordination with the Contractor Industrial Relations Officer will do the following:

- Initiate contacts with the regional offices of the NLRB to coordinate the procedures for filing and processing the charge.
- Develop with Center management and representatives of the NLRB the factual data reflecting irreparable damage to NASA programs, including but not limited to, such information as delays to certain critical programs or critical operational requirements or increased costs resulting from the illegal picketing.
- Ensure the accumulation of evidence to support legal action, such as pictures of picketing and picket signs to identify the location of pickets at the Center to support the charge of a violation of the reserve gate procedure. Photographs should be taken of the printed material on each different sign. Discretion should be used by the

photographer when taking these pictures so as not to provoke the pickets into other actions.

- Provide clerical assistance and office space to the NLRB representative who is investigating the case, including coordinating through the NASA Center Legal Office for assistance in preparing necessary legal documents, e.g., taking depositions and briefs.

4.3.2.3 Contacts with local union officials during any strike situation should only be made by the NASA Center Contractor Labor Relations Officer. International union officials will be contacted only by the Contractor Industrial Relations Officer, NASA Headquarters, if required.

| [TOC](#) | [Preface](#) | [ChangeHistory](#) | [Chapter1](#) | [Chapter2](#) | [Chapter3](#) | [Chapter4](#) |  
[Chapter5](#) | [Chapter6](#) | [Chapter7](#) | [AppendixA](#) | [AppendixB](#) | [AppendixC](#) | [AppendixD](#) |  
[ALL](#) |

| [NODIS Library](#) | [Procurement, Small Business and Industrial Relations\(5000s\)](#) |  
[Search](#) |

**DISTRIBUTION:**  
**NODIS**

---

**This Document Is Uncontrolled When Printed.**

Check the NASA Online Directives Information System (NODIS) Library  
to Verify that this is the correct version before use: <http://nodis3.gsfc.nasa.gov>

---